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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,840	03/21/2001	Takakazu Onouchi	A279	1411
466	7590	09/08/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			FOX, JAMAL A	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,840

Applicant(s)

ONOUCHI, TAKAKAZU

Examiner

Jamal A Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 3 is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/812,840.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/21/01 &amp; 4/24/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it should be within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onouchi in view of Muramatsu.

Referring to claim 1, Onouchi discloses a multi-way multiplex communication system comprising: (a) a subsidiary station (Drawing 2, ref. signs

Art Unit: 2664

3 and 4 and respective portions of the spec.) covering terminals (Drawing 2, ref. signs 61, 62, 63, 71, 72, 73 and respective portions of the spec.) to each of which an analog line, a basic rate interface (BRI) line (Drawing 2, ref. signs 54, 55, 56 and respective portions of the spec.) and a primary rate interface (PRI) line are connected; and (b) a base station (Drawing 2, ref. sign 2 and respective portions of the spec.) which assigns the requisite number of time slots to thereby make radio communication with said subsidiary station in dependence on the number of vacant time slots between said subsidiary station and said base station, but does not explicitly teach of wherein said base station (b1) defining a subscriber class which determines an order in using a time slot to make radio communication with a H-channel terminal, (b2) monitoring vacant time slots on receipt of a request of making a call, from said H-channel terminal, and (b3) controlling call connection, based on said subscriber class, when it is impossible to connect a call because of shortage of vacant time slots, thereby ensuring a time slot for said H-channel terminal to make radio communication between said subsidiary station and said base station. However, Muramatsu discloses a base station (b1) defining a subscriber class which determines an order in using a time slot (time slot, [0002]) to make radio communication with a H-channel terminal (H channel, [0002]), (b2) monitoring vacant time slots on receipt of a request (request, [0003]) of making a call, from said H-channel terminal, and (b3) controlling call connection, based on said subscriber class, when it is impossible to connect a call because of shortage (not able to be caught, [0005]) of vacant time slots, thereby ensuring a time slot for said H-channel (H channel, [0005]),

Art Unit: 2664

terminal to make radio communication between said subsidiary station and said base station. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the invention of Muramatsu to the invention of Onouchi because they both use ISDN full duplex channels to send user data. Onouchi uses 64 Kbps ISDN full duplex bearer channels and Muramatsu uses 384 Kbps ISDN full duplex high speed channels. Furthermore, Muramatsu uses D channels at a rate of 16 Kbps (BRI) or 64 Kbps (PRI) for connection request. Onouchi uses 64 Kbps ISDN full duplex B channels for request. Therefore, Onouchi could use the D channel of Muramatsu to perform the same request as the B channel of Onouchi as known by one with ordinary skill in the art at the time the invention was made.

Referring to claim 4, Onouchi discloses a method of assigning a channel in a multi-way multiplex communication system comprising: (a) a subsidiary station (Drawing 2, ref. signs 3 and 4 and respective portions of the spec.) covering terminals (Drawing 2, ref. signs 61, 62, 63, 71, 72, 73 and respective portions of the spec.) to each of which an analog line, a basic rate interface (BRI) line (Drawing 2, ref. signs 54, 55, 56 and respective portions of the spec.) and a primary rate interface (PRI) line are connected; and (b) a base station (Drawing 2, ref. sign 2 and respective portions of the spec.) which assigns the requisite number of time slots to thereby make radio communication with the subsidiary station in dependence on the number of vacant time slots between said subsidiary station and the base station, but does not explicitly teach of the steps of (a) storing a subscriber class into the base station for each of terminals, the

Art Unit: 2664

subscriber class determining and order in using a time slot to make radio communication with a H-channel terminal; (b) monitoring vacant time slots on receipt of a request of making a call, from a terminal belonging to a first class among the subscriber class, the step (b) being to be carried out by the base station; (c) informing the subsidiary station that it is impossible to assign a time slot, when a call cannot be made because of shortage of vacant time slots, the step (c) being carried out by the base station; and (d) informing the H-channel terminal of inability of making a call, the step (d) being carried out by the subsidiary station. However, Muramatsu discloses the steps of (a) storing a subscriber class into the base station for each of terminals, the subscriber class determining and order in using a time slot (time slot, [0002]) to make radio communication with a H-channel (H channel, [0002]) terminal; (b) monitoring vacant time slots on receipt of a request (request, [0003]) of making a call, from a terminal belonging to a first class among the subscriber class, the step (b) being to be carried out by the base station; (c) informing the subsidiary station that it is impossible to assign a time slot, when a call cannot be made because of shortage (not able to be caught, [0005]) of vacant time slots, the step (c) being carried out by the base station; and (d) informing (notify, [0005]) the H-channel terminal of inability of making a call, the step (d) being carried out by the subsidiary station. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the invention of Muramatsu to the invention of Onouchi because they both use ISDN full duplex channels to send user data. Onouchi uses 64 Kbps ISDN full duplex

Art Unit: 2664

bearer channels and Muramatsu uses 384 Kbps ISDN full duplex high speed channels. Furthermore, Muramatsu uses D channels at a rate of 16 Kbps (BRI) or 64 Kbps (PRI) for connection request. Onouchi uses 64 Kbps ISDN full duplex B channels for request. Therefore, Onouchi could use the D channel of Muramatsu to perform the same request as the B channel of Onouchi as known by one with ordinary skill in the art at the time the invention was made.

***Allowable Subject Matter***

5. Claims 2 and 3 are allowed.
6. Claims 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2664

***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-3988, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Art Unit: 2664

A handwritten signature in black ink, appearing to read "Jamal A. Fox". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Jamal A. Fox**

A handwritten signature in black ink, appearing to read "Wellington Chin". The signature is stylized and cursive, with a long horizontal stroke at the end.

**WELLINGTON CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**